

for any type of legislation that raises taxes . . . especially right now, as my constituents are facing inflation, cost of living [increases] . . . [and] housing prices."

Well, let me put it this way. When House Democrats from the Northeast start trying to sound more like Ronald Reagan running against Jimmy Carter, you know they have gotten themselves into a fix.

Too bad every single House Democrat except one and every single Senate Democrat voted for the \$2 trillion mistake that brought us to where we are. The Democrats complaining about inflation today voted in lockstep for the bill that brought us here. And now their answer to picking families' pockets once is to now pick the families' pockets yet a second time. The same Democrats that spent us into inflation now want to tax us into recession.

U.S. SUPREME COURT

Mr. McCONNELL. Madam President, now on an entirely different matter, this week, I have been discussing the historic term the Supreme Court just concluded—the most consequential and pro-Constitution term since Brown overturned Plessy almost 70 years ago.

Back in 2015, in one fell swoop, the Obama-Biden administration took aim at domestic energy production, harmed the separation of powers, and attacked the rule of law.

Remember, after Americans elected Republicans in 2010 to place a check on the leftwing agenda, President Obama infamously said he would just ignore the will of the people and work around Congress. Here was his quote. He said, "I've got a pen." He said, "I've got a phone."

Thus began a whole series of unconstitutional power grabs by the executive branch, a sort of crime spree against the Constitution. For example, when Democrats could not get harmful and unpopular environmental restrictions through Congress because the people's duly elected representatives did not support them, the bureaucrats at the Obama EPA decided to pretend that some obscure lines in an old law actually gave them enormous sweeping regulatory powers to manage our economy which nobody had ever noticed before.

The EPA effectively wrote and passed a giant piece of legislation, the so-called Clean Power Plan, as one branch of government acting alone. They tried to make law without involving actual lawmakers. The Obama EPA just up and decided they could start giving orders and issuing edicts and remake our country's electricity grid by brute force.

Of course, the pretext was simply false.

As Justice Scalia once wrote, "Congress . . . does not alter the fundamental details of a regulatory scheme in vague terms or ancillary provisions—it does not, one might say, hide elephants in mouse holes."

When the legislative branch actually intends to hand over giant chunks of our power to unelected bureaucrats, we make it pretty darn clear. The Obama-Biden EPA had no lawful authority to grab control of electricity generation all across America. And that is exactly what the Supreme Court affirmed last month.

The ruling was a huge win for American ratepayers and anybody who wants affordable and reliable energy; but it was also a landmark legal victory for our very system of government. The Supreme Court applied the plain text of the law and reaffirmed that the unelected administrative state is not allowed to reach way beyond the powers that Congress has actually given it. With any luck, this will be part of a sea change that has been a long time coming.

Remember a few months ago, a young district judge in Florida applied the plain, straightforward text of a statute and overturned the administration's illegal and unilateral mask mandate for public transportation. That was the Centers for Disease Control stepping way, way over its boundaries.

And this past January, the Supreme Court put the brakes on President Biden's blatantly illegal attempt to have the Occupational Safety and Health Administration, OSHA, force 84 million American workers to get the COVID vaccine whether they wanted it or not.

As Justice Gorsuch wrote in concurrence back then:

The central question we face today is: Who decides? The only question is whether an administrative agency in Washington . . . charged with overseeing workplace safety may mandate the vaccination or regular testing of 84 million people . . .

Justice Gorsuch continued:

Or whether . . . that work belongs to state and local governments across the country and the people's elected representatives in Congress.

On issue after issue, our courts are beginning to answer that question the way the Constitution commands. "Who decides?" is the question. The answer: The people decide and the Members of Congress they elect.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Michael S. Barr, of Michigan, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2018.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

NOMINATION OF MICHAEL S. BARR

Mr. BROWN. Madam President, I urge my colleagues to join me in supporting the nomination of Michael Barr to be a member of the Board of Governors of the Federal Reserve System and the Vice Chair for Supervision.

His confirmation is expected today, but we hold votes on these things to find out for sure. His confirmation will mean that the Federal Reserve, for the first time in years, will have a complement of all seven members.

I credit the Biden administration for being aggressive in doing that. I credit the committee, which I chair. The Acting President pro tempore is a prominent member of that committee, Senator WARREN, and I thank her for her work on this. It is a big deal.

Mr. Barr is a qualified nominee who came out of the Banking, Housing, and Urban Affairs Committee with strong bipartisan support. Five Republicans, including Ranking Member TOOMEY, and all 12 Democrats supported his nomination. It is clear why. He is a leading expert with decades of experience in helping to guide and protect our economy, including having experience with financial institutions and financial regulation.

He has served this country at the Departments of Treasury and State as well as at the White House. At the Treasury Department, as Assistant Secretary for Financial Institutions, Mr. Barr played a critical role in responding to the 2008 financial crisis when Wall Street greed and recklessness crashed our economy.

I know especially, as I said on the floor, what it did to my community, even to my neighborhood. The ZIP Code in which Connie and I live in Cleveland, 44105, had more foreclosures in the first half of 2007 than had any ZIP Code in America, and we still live with that.

We passed the Dodd-Frank Wall Street Reform Act back then. Among the many steps the legislation took to prevent another crisis, we created the Vice Chair for Supervision to identify and to stay ahead of risks to our country's financial system, like cyber threats, volatile cryptocurrency, or the climate crisis. We created this job to hold the biggest banks accountable so